United Nations S/AC.44/2004/(02)/50

Security Council

Distr.: General
15 November 2004
English
Original: Spanish

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 28 October 2004 from the Permanent Mission of Cuba to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Cuba to the United Nations presents its compliments to the Chairman of the Committee and, with reference to the Chairman's note verbale dated 21 June 2004, has the honour to attach the report of the Government of the Republic of Cuba submitted pursuant to that resolution (see annex).

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Annex to the note verbale dated 28 October 2004 from the Permanent Mission of Cuba to the United Nations addressed to the Chairman of the Committee

National report of the Republic of Cuba on the implementation of Security Council resolution 1540 (2004)

I. Introduction

This report is submitted in accordance with paragraph 4 of resolution 1540 (2004), adopted by the Security Council on 28 April 2004.

The report follows the guidelines formulated by the Security Council Committee established pursuant to that resolution, which request Member States to provide information on the steps they have taken or intend to take to implement it. Specific information is also requested on the implementation of paragraphs 1, 2 and 3 and, where applicable, paragraphs 6, 7, 8, 9 and 10 of the resolution.

The report includes information on legislative and other steps taken by Cuba even before the adoption of the resolution that comply with its provisions.

Cuba's position on the issue of international terrorism in general is based on an ethical principle, that of unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomever committed and irrespective of the motives, and outright condemnation of all acts or actions, irrespective of their instigators or perpetrators, intended to encourage, support, finance or cover up any terrorist act, method or practice.

Cuba considers that all terrorist acts and actions affect the life, health, property and safety of innocent people, violate the sovereignty and territorial integrity of States, jeopardize the functioning and stability of national institutions, cause serious damage to the production infrastructure and economic activity of States and further destablize the international situation by creating new hotbeds of tension and, on occasion, triggering international conflicts.

Accordingly, Cuba advocates international cooperation that is truly effective in preventing and combating all terrorist acts, based on a framework of international legitimacy and full respect for the principles of international law and the purposes and principles of the Charter of the United Nations.

The Cuban Government presented its views and positions on the elements and specific provisions of Security Council resolution 1540 (2004) in a press release issued by the Permanent Mission of the Republic of Cuba to the United Nations after the resolution was adopted. The press release is contained in an annex to this report (see annex 1).

II. Specific information on the implementation by Cuba of Security Council resolution 1540 (2004)

Cuba does not possess and has no intention of possessing weapons of mass destruction of any kind. The possession of such weapons has never been part of its national defence strategy.

In Cuba, all nuclear, chemical and biological programmes have always been conducted strictly for peaceful purposes and their benefits used to promote the well-being and socio-economic development of the Cuban people. All such programmes are subject to ongoing strict monitoring by the competent national authorities and to verification by the competent international bodies.

As a State party to the Biological Weapons Convention, the Chemical Weapons Convention, the Treaty on the Non-proliferation of Nuclear Weapons (Non-Proliferation Treaty) and the Treaty for the Prohibition of Nuclear Weapons in Latin American and the Caribbean (Treaty of Tlatelolco) and as a member country of the Organization for the Prohibition of Chemical Weapons, the International Atomic Energy Agency (IAEA) and the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), Cuba has an effective, predictable and reliable system for implementing its international obligations at the national level.

Paragraph 1

***Decides* that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;**

Nuclear sphere

Decree-Law No. 207 of 14 February 2000 on the use of nuclear energy established the principle that, in Cuba, nuclear energy is used for peaceful purposes to further the country's economic and social development and in a manner that guarantees the fulfilment of the international commitments assumed by the State in the nuclear sphere. This means that non-peaceful uses of any kind, not only by non-State agents but also by any individual or legal entity that carries out activities such as transport, use, removal, diversion, receipt, trafficking, stockpiling, transfer and other acts involving nuclear material without the proper authorization, are prohibited. Violations are punishable by imprisonment under article VII of Act No. 62 containing the current Penal Code.

In keeping with the commitments made under the Non-Proliferation Treaty and the Treaty of Tlatelolco, which ban, inter alia, the testing, use, manufacture, production, possession, stockpiling, receipt, acquisition or transfer of nuclear weapons, the Cuban State, through the Ministry of Science, Technology and the Environment (CITMA), has a State System of Accounting for and Control of Nuclear Material designed to detect any use, loss or unauthorized movement of such material.

Current domestic legislation includes Decree-Law No. 207 of 14 February 2000 on the use of nuclear energy, Decree No. 208 of 24 May 1996 on the State System of Accounting for and Control of Nuclear Material, CITMA resolution No. 62/96 of 12 July 1996 establishing rules for accounting and control of nuclear material and CITMA resolution No. 64/2000 entrusting the National Nuclear Safety Centre with the practical implementation of the State System of Accounting for and Control of Nuclear Material.

Biological sphere

In Cuba, work and activities with biological agents, equipment and technology that may be relevant to the Biological Weapons Convention are carried out almost exclusively by the State sector. The cooperative sector, whose ownership regime is recognized expressly in the constitution and which operates Entomophagous and Entomopathogenic Research Centres, is the only exception. While, administratively speaking, the Centres belong to cooperatives, they adhere to the methodological instructions issued by State regulatory institutions, such as the Plant Health Agency and the National Biosafety Centre.

It should be pointed out that even in the system of free zones and industrial parks, the introduction of products whose import or export is banned, suspended or restricted by current legislation is prohibited.

In Decree-Law No. 190/1999 on biosafety, in chapter II entitled "Competence. Section 1", subparagraph (k) of article 4 on the functions of the Ministry of Science, Technology and the Environment reproduces article I of the Biological Weapons Convention when it establishes that the Ministry must take any necessary measures to prohibit, prevent and control the development, production, stockpiling, acquisition or retention of biological agents and toxins, whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes, as well as weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

Accordingly, resolution No. 2/2004 on rules for accounting and control of biological material, equipment and related technology, in article 3 of its chapter I on objectives, scope and basic definitions, clearly prohibits in the national territory the conduct of activities related to the development, production, stockpiling, acquisition, retention, use or transfer of:

(a) Microbial or other biological agents or toxins, whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;

(b) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

Chemical sphere

Given the socialist system of State ownership in Cuba, activities that may be relevant to the Chemical Weapons Convention are carried out almost exclusively by the State sector. Nonetheless, current legislation is applicable to all organs and agencies of the central State administration, local organs of People's Power, State and private entities, international economic associations and foreign capital enterprises, as well as other individuals and legal entities that use in any way the chemicals listed in the Convention and specific organic chemicals regulated by chapter I, article 2, of Decree-Law No. 202/1999 on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction.

Article 26 of that Decree-Law, in chapter VII on prohibition, prohibits individuals or legal entities in the national territory or under the jurisdiction of the Cuban State from engaging in the production, use, stockpiling or transport of toxic chemicals or their precursors, unless they are intended for purposes not prohibited by the Chemical Weapons Convention and provided that the types and quantities used are compatible with those purposes.

Even in the system of free zones and industrial parks, the introduction of products whose import or export is banned, suspended or restricted by current legislation is prohibited, as specified in chapter VIII, section 2, article 33 of Decree-Law No. 165 on free zones and industrial parks.

Paragraph 2

***Decides also* that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;**

Cuba has up-to-date counter-terrorism legislation. It is a party to the 12 United Nations multilateral instruments on combating international terrorism, which have been incorporated into and expanded upon in national legislation through the adoption by the National Assembly of People's Power on 20 December 2001 of Act No. 93 against acts of terrorism. This Act, inter alia, penalizes illegal trafficking in certain military equipment, materiel or dual-use technologies.

Existing legislative measures ensure the prosecution of any person who participates in any way in or provides support for the commission of terrorist acts and characterize all acts of terrorism as serious crimes, providing very severe penalties consistent with the seriousness of the crime.

Article 10 of Act No. 93 against acts of terrorism states that "any person who manufactures, supplies, sells, transports, sends, introduces into the country or possesses, in any form or place, weapons, munitions or flammable, asphyxiating or toxic materials, substances or devices, plastic explosives or any other type or kind of explosives, chemical or biological agents or any other elements from the research, design or combination thereof products of the kind described can be derived, or any other similar substance or explosive or lethal device, shall be liable to a term of imprisonment of 10 to 30 years, life imprisonment or the death penalty".

Nuclear sphere

The legislative measures adopted by the Cuban Government to control the use of nuclear material are contained in Decree No. 208 of 24 May 1996 on the State System of Accounting for and Control of Nuclear Materials (SNCC), which applies to all organs of the central State administration, organs of People's Power and their offices and companies and any other State, private or mixed-capital company that uses nuclear material and which makes it mandatory to obtain authorization to use, produce, import, export or transfer such material. This prevents non-State actors

from manufacturing, acquiring, possessing, developing, transporting, transferring or using nuclear material.

The operation of SNCC is regulated by CITMA resolution No. 62/96, which supplements Decree No. 208 and sets out the procedure for the granting of licences and authorizations to work with nuclear material, as well as for accounting and control of such materials.

In addition, State inspectors who monitor compliance with legal norms in this area are vested with maximum authority to order the immediate halting of operations with nuclear material when an unauthorized use of such material is detected or when any violation of accounting and control provisions occurs, or when the relevant corrective measures have not been taken immediately by the management of the facility, independently of any administrative or criminal proceedings that may be required in each case.

Articles 185 and 186 of the Penal Code define the acts that constitute crimes in this sphere and accordingly provide that any person who carries out activities such as transport, use, removal, diversion, receipt, trafficking, stockpiling, transfer or other acts involving nuclear material without proper authorization shall be liable to imprisonment.

Biological sphere

Articles 10 and 11 of chapter I of Act No. 93 duly define crimes involving the use of biological agents and punish them with the requisite severity. Article 5 stipulates that both preparatory acts and attempts and acts brought to completion are punishable.

Decree-Law No. 190 of 28 January 1999 on biosafety regulates the use, research, testing, production, import and export of biological agents and their products, organisms and fragments thereof containing genetic information, the release of any of the foregoing into the environment and all activities related to compliance with international commitments on biosafety to which Cuba is a party.

CITMA resolution No. 42/99 of 5 April 1999, giving the official list of biological agents affecting humans, animals and plants, establishes the official classification of biological agents into risk groups.

CITMA resolution No. 8/2000 of 17 January 2000, establishing general biosafety rules for facilities that handle biological agents and their products, organisms and fragments thereof containing genetic information, is intended to organize biosafety within such facilities. It establishes an official classification of such facilities into four basic levels, according to the risk group to which the agents being handled belong.

CITMA resolution No. 76/2000 of 30 June 2000, on rules for granting biosafety authorizations, establishes a classification system for biosafety authorizations based on the risks posed by the various activities subject to control and sets forth the procedure for requesting and obtaining such authorizations.

CITMA resolution No. 103/2002 of 3 October 2002, on rules for the establishment of biosafety requirements and procedures in facilities where biological agents, organisms and fragments thereof containing genetic information are handled, establishes technical and administrative biosafety requirements and

procedures for facilities where biological agents are used. Basically, it stipulates requirements for the design of the facility, appropriate personnel practices and safety equipment for working with micro-organisms, toxins and invertebrates.

CITMA resolution No. 112/2003 of 22 September 2003, on rules for establishing biosafety requirements and procedures in facilities where animals and plants posing biological risks are used, establishes requirements for design, appropriate practices and safety equipment for facilities working with plants and animals inoculated with biological agents, and transgenic or exotic plants and animals.

CITMA resolution No. 2/2004 of 8 January 2004, on rules for accounting and control of biological material, equipment and related technology, establishes rules on the State System of Accounting for and Control of Biological Material, equipment and technology.

Chemical sphere

Articles 10 and 11 of chapter I of Act No. 93 duly define crimes involving the use of chemical agents and punish them with the requisite severity. Article 5 stipulates that both preparatory acts and attempts and acts brought to completion are punishable.

Chapter IV of Decree-Law No. 202/1999 of 24 December 1999 on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction deals with the State system for the control of chemical material covered by the Chemical Weapons Convention, one purpose of which is to prevent and avoid any possibility of the removal, diversion and unauthorized use of chemicals controlled by the Convention.

Paragraph 3

Decides also **that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery, including by establishing appropriate controls over related materials, and to this end shall:**

(a) **Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;**

(b) **Develop and maintain appropriate effective physical protection measures;**

(c) **Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;**

(d) **Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment, such as financing and transporting that would contribute to proliferation, as well as establishing end-user controls, and establishing and**

enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

Nuclear sphere

With reference to subparagraphs (a) and (b)

The State System of Accounting for and Control of Nuclear Material establishes an internal control mechanism for nuclear material and important components listed in CITMA resolution No. 62/96 emphasizing, inter alia, the obligation of facilities to introduce manuals on internal accounting and control procedures, measurement, registration and reporting systems, and containment and supervision measures consistent with the requirements set out in the rules.

The Ministry of Science, Technology and the Environment, as the national authority for accounting and control of nuclear materials, keeps a national inventory, based on sworn statements made by those in charge of central administrative organs and agencies of the State, which is reviewed periodically by the national nuclear regulatory system.

In addition, the country has a centralized system for the collection and handling of radioactive waste and unused sealed sources, which stores unused nuclear material in physically and technologically secure conditions, and a national system for monitoring radionuclide through an environmental radiation surveillance network.

With reference to subparagraph (d)

Chapter III of CITMA resolution No. 62/96, on licences and authorizations, establishes the obligation to request authorization for the import, export and internal transfer of nuclear material and important components, as well as the deadlines and procedure for obtaining it.

Biological sphere

With reference to subparagraph (a)

CITMA resolution No. 2/2004, on rules for accounting and control of biological material, equipment and related technology sets up the State system of accounting and control, whose objectives include establishing an internal control mechanism for biological agents, equipment and related technology.

These rules provide for the creation by the national authority of an internal safeguard register covering a wide range of activities, including: production of vaccines for human and veterinary use, production of biological pesticides and fertilizers and activities of facilities that work with biological agents listed in the schedule annexed to the rules or use equipment mentioned therein, facilities whose security level is III or IV and facilities that carry out genetic engineering.

One feature of these rules is that they make it mandatory for Cuba to make the final declaration on confidence-building measures, which it has been making on a completely voluntary basis since 1992. They establish a system of registers and reports designed to show the history of a stock of a listed agent or a piece of equipment from the moment it enters a facility until it reaches its final destination,

including both its internal and its external transfer. They require facilities to record information on, inter alia, the entry of agents and equipment, their receipt within the facility, the place where they will be located, their envisaged use, quantities and transfers, if these occur. For unlisted agents, a simpler control mechanism is established which must indicate, at a minimum, the type of material and its amount, location and use. The rules also provide for the preparation of a yearly inventory of agents and equipment. On this basis, semi-annual reports must be sent to the national authority, containing the inventory and data from the registers.

These internal mechanisms are supplemented by inspections and safety clearances. Inspections fulfil the goal of verifying that the system is operating correctly in the facility, while safety clearances add a further level of control by requiring that all activities related to the use and transfer of agents and equipment be duly authorized.

With reference to subparagraph (b)

CITMA resolution No. 2/2004 requires the person in charge of registered facilities to take the necessary measures to regulate access to biological material, equipment and technology and to related information.

The specialist or official responsible for accounting and control in the facility must, in addition to other duties, monitor access by personnel authorized to work with biological materials, equipment and technology and by personnel who will have access to related information.

When clearance is sought for the use of agents and equipment, the information submitted must include a description of the situation in the facility with regard to security and physical protection.

With reference to subparagraph (c)

With regard to border controls, a list of agents and equipment is being drawn up in conjunction with the national customs service for inclusion in the harmonized product classification system. Once this work is concluded, the national customs service will verify that each listed agent or piece of equipment has the corresponding authorization.

With reference to subparagraph (d)

The State System of Accounting and Control established under CITMA resolution No. 2/2004 makes it mandatory to obtain safety clearances for activities related to transfers of material and equipment, whether national or international. The import and export of agents and equipment must be authorized in advance by the national authority, which issues such authorization either together with or independently of the biosafety licence, as appropriate.

Chemical sphere

With reference to subparagraphs (a) and (b)

Chapter IV of Decree-Law No. 202/1999 on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction deals with the State System of Accounting for and Control of Chemical

Material covered by the Chemical Weapons Convention, one purpose of which is to prevent and avoid any possibility of the removal, diversion and unauthorized use of chemicals controlled by the Convention.

Implementation of the Decree-Law on the national territory is reinforced by the supplementary rules adopted by CITMA resolutions Nos. 15/2003 and 32/2003.

Resolution No. 32/2003 establishes the rules for implementing the State System of Accounting for and Control of Chemical Material covered by the Chemical Weapons Convention, the granting of licences and permits and the processing of information. These rules establish the objectives of the State system, which include:

- Preventing chemical material controlled by the Convention from being used without prior authorization from the competent authority;
- Avoiding the removal and diversion of chemical material controlled by the Convention for unauthorized uses;
- Preventing the submission of false information;
- Providing a permanent guarantee that registers, information and stocks correspond exactly.

They also establish the procedures for declaring planned and implemented activities and for granting the licences and permits that entities using controlled chemical material in their activities must obtain.

Resolution No. 15/2003, establishing the rules for national inspections and arrangements for international inspections, defines the types of inspection, the activities to be carried out during each one and the obligations of the entities under inspection. National inspections supplement the control system established by resolution 32/2003.

With reference to subparagraph (c)

Chapter III of CITMA resolution No. 32/2003, on licences and permits, establishes the obligation to apply for licences for conducting any activity with material controlled by the Chemical Weapons Convention including export and import activities, as well as the deadlines and procedure for obtaining them. Border controls are ensured by the inclusion of chemicals listed in the Convention in the harmonized product classification system, as well as by systematic coordination with the national customs service.

With reference to subparagraph (d)

The harmonized product classification system for chemicals controlled by the Chemical Weapons Convention and systematic coordination with the national customs service guarantee national controls on export, transit and re-exports. These, in turn, are regulated by resolution No. 32/2003 establishing rules for the implementation of the State System of Accounting for and Control of Chemical Material covered by the Chemical Weapons Convention, the granting of licences and permits and the processing of information. These rules stipulate that licences and permits must be obtained as an essential prerequisite for conducting any activity with chemicals controlled by the Convention. Failure to comply may entail

administrative liability, in addition to any civil or criminal liability that may be incurred.

The following penal, civil and administrative measures apply to this end:

- Act No. 93/2001 against acts of terrorism;
- Act No. 59/87 containing the Civil Code;
- Act No. 7/77 on civil, administrative and labour proceedings;
- Decree-Law No. 2000/99 on environmental offences.

It should be pointed out, in connection with **subparagraph (c)**, that the sole Special Provision of Act No. 93/2001 against acts of terrorism, which authorizes the Government of the Republic to sign agreements and conventions with States wishing to promote international cooperation in the areas of information exchange, legal and police assistance, investigations and gathering of evidence as well as the possible extradition of alleged perpetrators, also applies to the nuclear, biological and chemical spheres.

Moreover, border controls in the Republic of Cuba are not only efficient but also based on specialized expertise in counter-terrorism. Cuba having been the victim of terrorist attacks for over 40 years, many of them thwarted precisely because of the existence of strict border controls.

Paragraph 6

***Recognizes* the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;**

Nuclear sphere

CITMA resolution No. 62/96 of 12 July 1996 on rules for accounting and control of nuclear material, lists the important equipment and components, by type of facility or activity, which are subject to control by the State System of Accounting for and Control of Nuclear Material, in keeping with international non-proliferation commitments.

Biological sphere

CITMA resolution No. 2/2004 on rules for accounting for and control of biological agents, equipment and related technology, lists the biological agents and equipment that are subject to control and special authorization.

Chemical sphere

The national lists for implementing the Chemical Weapons Convention on the national territory are identical to the lists of chemical weapons contained in the Convention.

Paragraph 7

***Recognizes* that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a**

position to do so to offer assistance as appropriate in response to specific requests from the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

Nuclear sphere

Cuba is prepared to contribute its expertise to the implementation of State Systems of Accounting for and Control of Nuclear Material in countries, basically in the Latin America and Caribbean region, that so request in the legal sphere or other areas relevant to the system.

Biological sphere

Cuba, through the CITMA National Biosafety Centre, is prepared to contribute to exchanges of experience in the implementation of the Biological Weapons Convention by means of courses, seminars, workshops and other activities, basically in the Latin American and Caribbean region.

Chemical sphere

Cuba has, on various occasions, expressed its willingness to contribute its expertise to the implementation of the Chemical Weapons Convention in those countries, basically in the Latin American and Caribbean region, that so request not only in the legal sphere, but also in other areas relevant to the Convention, such as verification, declarations, assistance and protection.

In the context of this cooperation provision, information on Cuban experts who may be used for this purpose and on the way in which specialists from the region may be trained in our country has been transmitted to the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons (OPCW).

Paragraph 8

***Calls upon* all States:**

(a) To promote the universal adoption and full implementation and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

With reference to subparagraphs (a) and (c)

Cuba is a party to the main legally binding multilateral instruments on disarmament and non-proliferation of weapons of mass destruction, namely:

- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), ratified on 23 October 2002;
- Treaty on the Non-Proliferation of Nuclear Weapons (NPT), ratified on 4 November 2002;
- Convention on the Physical Protection of Nuclear Material, ratified on 26 October 1997;
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified on 26 April 1997;
- Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, ratified in 1966;
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, ratified on 21 April 1976.

In addition, in 1994 Cuba ratified the Convention on Biological Diversity and in September 2002 it became a party to the Cartagena Protocol on Biosafety.

Cuba has also been a member country of the International Atomic Energy Agency (IAEA) since 1957, the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean since 2002 and the Organization for the Prohibition of Chemical Weapons since 1997.

Cuba complies fully with its commitments and obligations under those multilateral treaties and conventions and within the aforementioned international organizations.

As evidence of the peaceful nature of its nuclear programme, Cuba has signed partial safeguards agreements with IAEA for its nuclear facilities (see INFCIRC/281 on the Juraguá nuclear plant and INFCIRC/311 on the zero power reactor (ZPR)). In October 1999, Cuba signed the protocol additional to its partial safeguards agreement, becoming the first and only country with such agreements to have taken any positive step towards promoting the safeguards strengthening programme and, hence, the prestige of the IAEA verification system.

Since 1992, Cuban facilities subject to safeguards have been inspected by IAEA on an annual basis. Cuba's National Nuclear Safety Centre also conducts annual inspections at those sites. In all cases, strict compliance with the provisions of those agreements has been observed.

In keeping with the commitments assumed by Cuba as a State party to the Treaty of Tlatelolco and the Non-Proliferation Treaty, since 3 June 2004 a comprehensive safeguards agreement has been in force between Cuba and IAEA (INFCIRC/633), as well as the protocol additional to that safeguards agreement (INFCIRC/633/Add.1).

In 2003, Cuba received two routine inspections by the OPCW Secretariat at two of the Cuban facilities declared under the Chemical Weapons Convention. Both inspections yielded satisfactory results, demonstrating Cuba's fulfilment of its obligations under that Convention and the transparency and totally peaceful nature of the country's chemical activities.

As part of measures to comply with the provisions of the Chemical Weapons Convention, Cuba has been submitting each year, within the established deadlines, annual declarations on past and planned industrial activities. Those declarations are prepared with the utmost rigour and on the basis of a national control system supervised by the national authority.

In the sphere of the Biological Weapons Convention, Cuba has participated regularly since 1992 in the annual exchange of information on the confidence-building measures agreed upon at the Third Review Conference of the Parties to that Convention. As reported above, through CITMA resolution No. 2/2004 establishing rules for accounting and control of biological material, equipment and related technology, Cuba's provision of the final declaration in the context of confidence-building measures has become mandatory.

In relation to the issue of international cooperation in combating global terrorism, Cuba sets great store by the fact that it reacted rapidly to the appeal by the Secretary-General of the United Nations in 2001 for States Members of the United Nations to accede to all the existing conventions and protocols on terrorism. Cuba deposited all the requisite instruments of ratification immediately.

With reference to subparagraph (b)

All the information provided above concerning national laws and rules adopted by Cuba pursuant to paragraphs 1, 2, 3 and 6 is also relevant to paragraph 8 (b). Those national laws and rules constitute the steps taken by Cuba to ensure compliance with its commitments and obligations under the multilateral disarmament and non-proliferation treaties to which it is a party.

In addition, other national legislative measures or rules adopted in the chemical and biological spheres but not included in the information provided under paragraphs 1, 2, 3 and 6 are described below.

Biological sphere

- **CITMA resolution No. 67/96** establishing the National Biosafety Centre to organize, direct, execute, supervise and monitor the National Biosafety System and to organize, direct and monitor measures for complying with the obligations undertaken by the country as a party to international legal instruments in this field. As the regulatory body, the Centre works to develop legal instruments and technical standards which will help to establish and supplement measures to ensure biological safety in the country.

Chemical sphere

(a) Legislative norms for national implementation of the Chemical Weapons Convention

- **Agreement No. 3150/97 of the Executive Committee of the Council of Ministers** deciding to ratify the Convention and designating the Ministry of Science, Technology and the Environment (CITMA) as the National Authority under the terms of article VII of the Convention, and adopting minimum provisions essential for its implementation until such time as definitive norms are enacted;
- **Resolution No. 52 of the National Statistical Office**, adopted on 14 October 1997, amending the nomenclature of the harmonized product classification system to include, in an annex, amendments corresponding to the new groups assigned to chemicals listed in the Chemical Weapons Convention;
- **CITMA resolution No. 35/98** creating the executive centre of the National Authority for the Prohibition of Chemical Weapons.

(b) Other national norms in the chemical sphere

- **Decree-Law No. 107/88** on the control of industrial explosives, ammunition and explosive or toxic chemicals;
- **Decree-Law No. 154/94** establishing rules for the control of industrial explosives, ammunition and explosive or toxic chemicals;
- **Ministry of Public Health (MINSAP) resolutions Nos. 268/90 and 181/95** prohibiting the entry of certain pesticides and chemicals;
- **Ministry of Transport (MITRANS) and Ministry of the Interior (MININT) resolution No. 1/96** regulating the transport of industrial explosives, ammunition and explosive or toxic chemicals;
- **CITMA resolution No. 159/95** establishing the national register for reporting on toxic chemicals and the reporting and prior consent procedure for industrial chemicals;
- **MINSAP resolution No. 67/96** establishing rules for the control of precursors of basic or essential chemicals;
- **MININT resolution No. 1/98** regulating the use of halogenated substances to extinguish fires;
- **CITMA resolution No. 87/99** establishing requirements for the transport, storage and destruction of hazardous substances;
- **CITMA resolution No. 53/2000** supplementing the lists of hazardous wastes contained in CITMA resolution No. 87/99;
- Cuba has also adopted updated procedures for the handling of confidential information related to the Organization for the Prohibition of Chemical Weapons (OPCW), which were approved by legislative instruments such as **Decree-Law No. 199** of 25 November 1999 and **CITMA resolution No. 1** of 26 December 2000.

With reference to subparagraph (d)

Nuclear sphere

Some of the more noteworthy steps taken include the following:

- Publication of legislation currently in force in the Official Gazette of the Republic, thereby promoting general awareness of the norms governing the State System of Accounting for and Control of Nuclear Material (SNCC);
- Organization of seminars and conferences for agencies of the central State Administration on the non-proliferation commitments made by Cuba and the legal norms regulating nuclear activities in the country;
- Production of a national inventory of nuclear material based on the sworn statements made by the heads of organs and agencies of the central State administration;
- Verification, during national inspections, of awareness of the legal norms governing SNCC.

Biological sphere

The following activities have been undertaken to strengthen implementation of the Biological Weapons Convention:

- Implementation of a biosafety strategy which includes the issue of safeguards;
- Organization of conferences and seminars for both the industrial sector and central State organs. A national workshop on the Biological Weapons Convention will be held in November 2004.
- Inclusion of the issue in all basic and post-graduate courses and the various options of the master's degree in biosafety.

Chemical sphere

Some of the most important steps taken in Cuba to cooperate with industry and provide information on the obligations and commitments undertaken in the chemical sphere, specifically with a view to national implementation of the Chemical Weapons Convention, are:

- Implementation of a public information strategy on the implementation of the Convention in Cuba;
- Organization of conferences not only for the industrial sector but also for bodies involved in the implementation of the Convention within the national territory, such as the Ministry of Public Health, research centres and chemical-marketing firms;
- Coordination with the Ministry of Higher Education with a view to including issues related to the Chemical Weapons Convention in the syllabus for related degree courses;
- Production of a national inventory of chemicals listed in the Convention, with the widest possible participation of national institutions;

- Evaluation, during national inspections, of awareness of legislative measures relating to the issue;

- Dissemination of information on the issue in the mass media.

Paragraphs 9 and 10

***Calls upon* all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical or biological weapons, and their means of delivery;**

Further to counter that threat, *calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

Cuba is firmly convinced that only international cooperation based on unconditional respect for the principles of international law and the purposes and principles enshrined in the Charter of the United Nations can provide an effective, sustainable response to the scourge of global terrorism, including that linked to the use of weapons of mass destruction.

Cuba is of the opinion that the United Nations has an essential role to play in preventing and combating international terrorism. The General Assembly in particular, as the most democratic and representative organ of the Organization, is the appropriate framework for defining and developing a comprehensive even-handed strategy and true international cooperation in the fight against terrorism. Only a coordinated, comprehensive and effective response to all types of terrorism, whatever their origin, causes and aims, can free present and future generations from the unforeseeable consequences of a scourge which knows no borders.

Today, as never before, it is obvious that neither terrorism nor all the other serious problems that threaten the very survival of humankind can be solved through the use or threat of use of force, because violence simply leads to more violence and intolerance to more intolerance.

Concerns about the possibility that weapons of mass destruction might be used in terrorist acts must be addressed within the framework of the existing legally binding multilateral instruments on disarmament and non-proliferation, as well as the relevant international organizations in which the great majority of countries participate. Accordingly, Cuba is ready to continue cooperating and taking specific action in the context of those international treaties and bodies.

Imposing mechanisms that are selective in composition, non-transparent and act outside the United Nations and multilateral treaties is in no way an appropriate response to the phenomenon of global terrorism, including that linked to the use of weapons of mass destruction, their means of delivery or related materials.

In that regard, the so-called Proliferation Security Initiative (PSI) which some countries are attempting to legitimize through Security Council resolution 1540 (2004) is eroding the international consensus that ought to exist on the issue of non-proliferation and counter-terrorism and is, in practice, an attempt to supplant the role of the United Nations and of existing multilateral treaties and intergovernmental bodies in the area of disarmament and arms control.

Cuba believes that that Initiative, in both design and implementation, violates the fundamental principles enshrined in the Charter of the United Nations and recognized in international law, as well as the basic provisions of certain multilateral treaties, such as the United Nations Convention on the Law of the Sea. More detailed information on Cuba's position on the Proliferation Security Initiative can be found in annex 1 to this report.